

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

VS

ROBERTO CORTEZ, ET AL

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CRIMINAL DOCKET

NO. 15-564

STATUS REPORT

On July 16, 2021, undersigned counsel in this matter was asked to provide an updated status report in this case. We agree with the Status Report submitted by Attorneys Southern and Looper for Defendant, Ramon de la Cerda, Rec. Doc. 1409, stated herein.

“As the Court is aware, of the 32 defendants in this case, 18 have been re-arraigned and entered guilty pleas. Rec. Doc. 790 (Veronica Chavez), 1278 (Rolando Cruz), 569 (Carlos de la Rosa), 899 (Hipolito Gonzalez), 831 (Israel Gonzalez), 1070 (Eduardo Hernandez), 801 (Pedro Infante), 808 (Joseph Alberto Lopez), 537 (Ciro Moya), 1325 (Arturo Ramirez), 532 (Ivan Rodriguez), 561 (Ernesto Alonzo Ruiz), 563 (Daniel Saenz), 582 (Ernesto Saenz), 826 (Luis Antonio Saldivar), 805 (Joshua Omar Santillan), 1326 (Jesus Silva), 580 (Rene Vela). The cases against two defendants, Ricardo Ortega and Rigoberto Garcia, have been dismissed. Rec. Doc. 872, 1220. Of the 12 defendants still facing trial, eight of them are charged with death eligible offenses. Margil Reyna, Luis Alberto Tello and Mike Bueno are charged in Count 8 of the Third Superseding Indictment in the murder of V.S. in violation of 18 U.S.C. sec. 924(j). Rec. Doc. 837. Jose Rolando Gonzalez, Ramon de la Cerda, Salomon Robles, Juan Alberto Mendez, and Adrian Garza are charged in Counts 19 and 20 with the murder of J.G. in violation of 18 U.S.C. sec. 1959 and 18 U.S.C 1201, respectively. Rec. Doc. 837. The remaining four co-defendants, Octavio Muniz, Roberto Cortez, Roberto Reyes, and Juan Marquez, face non-death eligible charges. Rec. Doc. 837. Juan Marquez remains a fugitive.

On August 9, 2017, Jefferson B. Sessions, III, United States Attorney General, authorized the United States Attorney’s Office to *not* seek the death penalty against the five defendants charged in Count 8, discharging a firearm during and in relation to a drug trafficking crime resulting in a death. (Count 8 of Third Supersedeing Indictment; Pending: Margil Reyna, Luis Alberto Tello and Mike Bueno; Pled: Joshua Santillon & Joseph Lopez).

The Government has not yet given notice of its intentions concerning seeking the death penalty against the five defendants charged in Counts 19 and 20. *See* 9-10.030 of the Justice Manual. The United States Attorney’s Office, consistent with 9-10.030 of the Justice Manual, delayed providing any notice with respect to whether it will seek the death penalty pending a meeting with undersigned counsel and the Department of Justice’s Capital Review Committee relating to Ramon de la Cerda. This meeting was delayed several times at undersigned counsel’s request, but occurred on March 15, 2021. The Government has informed undersigned counsel that it has not yet received a determination from the Department of Justice concerning whether the death penalty will be sought in this matter. Significantly, according to information provided by the Federal Death Penalty Resource Counsel Project, there are 19 cases in the same posture as this case, where defendants have met with the Department of Justice but where a final determination has not yet been made, including several cases where the meeting occurred prior to Mr. de la Cerda’s March 15, 2021 meeting.”

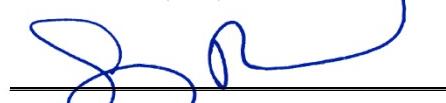
Regarding Defendant, Roberto Cortez, the Government and undersigned counsel have been in communication regarding plea offers and counter offers and will continue to do so.

The undersigned counsel is agreement with the Government and Attorneys Southern and Looper for Defendant, Ramon de la Cerda, that any scheduling order should be delayed until after the notice of intent has been filed. Of course, in the event that the Government and Defendant Cortez reach a plea agreement, Defendant Cortez will file a Notice of Intent to Plea.

Accordingly, undersigned counsel submits this status report.

Respectfully submitted,

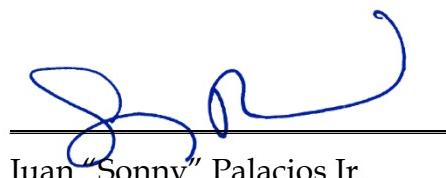
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CERTIFICATE OF SERVICE

This certifies that I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system that will send a notice of electronic filing to all counsel of record on the date of filing.



Juan "Sonny" Palacios Jr.